

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>In re</b>	:	<b>CHAPTER 11</b>
	:	
<b>TERI G. GALARDI,</b>	:	<b>CASE NO. 22-50035-JPS</b>
	:	
<b>Debtor.</b>	:	<b>JUDGE JAMES P. SMITH</b>
	:	

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**APPLICATION REQUESTING ENTRY OF ORDER CONDITIONALLY APPROVING  
DISCLOSURE STATEMENT AND ESTABLISHING CERTAIN DEADLINES  
REGARDING JOINT PLAN OF REORGANIZATION**

COME NOW Teri G. Galardi (“Debtor”) and the Official Committee of Unsecured Creditors (“Committee” and collectively with Debtor, “Movants”), by and through the undersigned counsel, and hereby file this *Application Requesting Entry of Order Conditionally Approving Disclosure Statement and Establishing Certain Deadlines* (the “Application”), in which Movants respectfully request an order (1) conditionally approving Movants’ Joint Disclosure Statement and scheduling a hearing to consider final approval thereof and a confirmation hearing on the Joint Plan of Reorganization (the “Joint Plan”), (2) approving the form and content of the ballot, (3) establishing a deadline for filing objections to the Joint Disclosure Statement and Joint Plan, and (4) establishing a deadline for casting ballots to accept or reject the Joint Plan. In support of the Application, Movants respectfully shows the Court as follows:

**Jurisdiction**

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §1334. The subject matter of this Application constitutes a core proceeding within the meaning of 28 U.S.C. §157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory basis for the relief requested is 11 U.S.C. 105(d).

2. On January 12, 2022 (“Petition Date”), Debtor Teri G. Galardi filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (“Bankruptcy Code”), in the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division (“Court”).

3. Debtor continues to operate its business and manage her affairs as a debtor in possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

4. On April 28, 2022, the Office of the United States Trustee appointed the Committee, pursuant to Section 1102 of the Bankruptcy Court. The Committee consists of Shadana Deleston, Abrey Leahong, and Addie Brooks. Jones & Walden LLC (“Committee Counsel”) has been approved by this Court to represent the Committee.

5. On February 16, 2023, Movants filed the following: (a) Joint Chapter 11 Plan of Reorganization (Dkt. No. 299) (“Plan”); and (b) Joint Disclosure Statement (Dkt. No. 300) (“Disclosure Statement”).

### **Relief Requested**

6. By this Application, Movants request entry of an order: (a) conditionally approving the Disclosure Statement and setting a hearing on final approval of the Disclosure Statement to be held, if a timely objection is filed, at the same time as a hearing to consider confirmation of the Plan; (b) approving the form and content of ballots; (c) establishing a deadline for objecting to the Disclosure Statement and Plan; (d) establishing a deadline for casting ballots to accept or reject the Plan; and (e) to the extent necessary, extending the deadline to confirm the Plan.

7. The Bankruptcy Code authorizes the Court to order that the hearing on the approval of the disclosure statement be combined with the hearing on confirmation of the plan at

a status conference regardless of whether the case is a small business case. *See* 11 U.S.C. § 105(d)(2)(B)(vi) (“The court, on its own motion or on the request of a party in interest . . . [may] issue an order that—provides that the hearing on approval of the disclosure statement may be combined with the hearing on confirmation of the plan.”). Additionally, Section 105(a) of the Bankruptcy Code further provides that “the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

8. The Debtor and Committee reached a proposed resolution at mediation, which is memorialized by the proposed Plan. Debtor and Committee have likewise drafted the Disclosure Statement laying out each party’s views as to the Debtor’s assets, including potential avoidance actions raised by the Committee, and Debtor’s liability. The Movants submit that conditional approval of this Disclosure Statement is the most economical approach in this case.

9. In accordance with 11 U.S.C. §§ 105(a) and (d), Movants requests that the Court waive any requirement for a status conference regarding the relief requested in this Application as creditors and parties in interest will be provided an opportunity to raise any objections to the Disclosure Statement at the hearing to consider final approval of the Disclosure Statement, if any objections are timely filed, and enter an order conditionally approving the Disclosure Statement, establishing a deadline for filing objections to the Disclosure Statement and Plan, and scheduling a final hearing on the Disclosure Statement, in the event timely objections are filed, to be consolidated with the hearing to consider confirmation of the Plan.

10. Movants further request that the Court approve the form and content of the Ballot attached hereto and incorporated herein as Exhibit “A”. Ballots will be provided to creditors and parties-in-interest entitled to vote along with the Disclosure Statement and Plan.

11. A proposed order granting this Application and the relief requested herein will be submitted contemporaneously herewith.

WHEREFORE, Debtor and Committee request that the Court enter an order granting the Application and the relief requested herein and such other and further relief as may be deemed just and proper.

Respectfully submitted this 16<sup>th</sup> day of February 2023.

**BOYER TERRY LLC**

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**EXHIBIT “A”**  
**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF GEORGIA**  
**MACON DIVISION**

<b>In re</b>	:	<b>CHAPTER 11</b>
	:	
<b>TERI G. GALARDI,</b>	:	<b>CASE NO. 22-50035-JPS</b>
	:	
<b>Debtor.</b>	:	<b>JUDGE JAMES P. SMITH</b>
	:	

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**NOTICE OF PLAN AND DISCLOSURE STATEMENT  
AND REQUEST FOR SUBMISSION OF BALLOTS**

On February 10, 2023, Teri G. Galardi and the Official Committee of Unsecured Creditors filed their Joint Chapter 11 Plan of Reorganization (the “Plan”), and Joint Disclosure Statement for Plan of Reorganization (the “Disclosure Statement”), and an Application Requesting Entry of Order Conditionally Approving Disclosure Statement (the “Application”). The Court has conditionally approved the Disclosure Statement. The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from Boyer Terry LLC, 348 Cotton Avenue, Suite 200, Macon, Georgia 31201, (478) 742-6481 (telephone) or email: [chris@boyerterry.com](mailto:chris@boyerterry.com). The Disclosure Statement and Plan are available for review in the Office of the Clerk, U.S. Bankruptcy Court, 433 Cherry Street, Macon, Georgia 31201 during normal business hours or online at <http://ecf.gamb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users).

**You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. If you hold claims or equity interests in more than one class, you may receive a ballot for each class in which you are entitled to vote and you may use a copy of the ballot or request an additional ballot if you do not receive one.**

**If your ballot is not received by the Office of the Clerk, U.S. Bankruptcy Court, P.O. Box 1957, Macon, Georgia 31202, *on or before* March 20, 2023 and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.**

**If the Plan is confirmed by the Bankruptcy Court, then it will be binding on you whether or not you vote.**

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**In re** : **CHAPTER 11**  
: **TERI G. GALARDI,** : **CASE NO. 22-50035-JPS**  
: **Debtor.** : **JUDGE JAMES P. SMITH**  
\_\_\_\_\_ :

**BALLOT FOR ACCEPTING OR REJECTING  
DEBTOR'S PLAN OF REORGANIZATION**

The Plan referred to in this ballot can be confirmed and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each Class. If the required acceptances are not obtained, the Plan may nevertheless be confirmed if the Court finds that the plan accords fair and equitable treatment to the Class or Classes rejecting it and otherwise satisfies the requirements of Section 1129(b) of the Code.

**TO HAVE YOUR VOTE COUNT, YOU MUST COMPLETE AND RETURN THIS  
BALLOT ON OR BEFORE MARCH 20, 2023, TO:**

**Office of the Clerk, U.S. Bankruptcy Court  
P.O. Box 1957  
Macon, GA 31202**

You must deliver a copy of the completed, signed ballot to Debtor's Attorney at: Boyer Terry, LLC 348 Cotton Avenue, Suite 200, Macon, Georgia 31201 Attn: Christopher W. Terry or via email: [chris@boyerterry.com](mailto:chris@boyerterry.com) and Committee's Counsel at: Jones & Walden LLC, 699 Piedmont Ave, NE, Atlanta, Georgia 30308, Attn: Thomas T. McClendon or via email: [tmccclendon@joneswalden.com](mailto:tmccclendon@joneswalden.com)

**The undersigned is a holder of [check one:]**

☐ a secured claim  
☐ an unsecured claim  
☐ other [specify: \_\_\_\_\_]

**In the amount of \$ \_\_\_\_\_, in Class \_\_\_\_\_ and hereby:**

☐ **Accepts** ☐ **Rejects**

**Debtors' Joint Plan of Reorganization**

Date: \_\_\_\_\_

Creditor: \_\_\_\_\_  
Print or Type Name

Address: \_\_\_\_\_

Signed: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Title: \_\_\_\_\_

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**IN RE:**

**TERI G. GALARDI,**

**Debtor.**

**CHAPTER 11**

**CASE NO. 22-50035-JPS**

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing Application via the Bankruptcy Court's Electronic Case Filing program, which sends a notice of and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing Program:

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Respectfully submitted this 16<sup>th</sup> day of February 2023.

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